

AMENDED IN ASSEMBLY MAY 18, 2006

AMENDED IN ASSEMBLY JUNE 9, 2005

AMENDED IN SENATE MAY 10, 2005

AMENDED IN SENATE APRIL 28, 2005

SENATE BILL

No. 896

Introduced by Senator Runner

February 22, 2005

An act to ~~add Chapter 9 (commencing with Section 5610) to Part 5 of Division 9 of the Family Code, relating to child support. amend Section 4011.10 of the Penal Code, relating to inmates.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 896, as amended, Runner. ~~Child support. Inmates: health care services.~~

Existing law authorizes the Department of Corrections and Rehabilitation, county sheriffs, and police chiefs to to contract with providers of emergency health care services.

This bill would, in addition, allow other public agencies that contract for emergency health services to contract with providers for emergency health care services for care to local law enforcement patients.

Existing law provides that specified associations convene a working group to address fiscal issues relating to the provision of this contracted emergency medical health services. This bill would provide that to the extent that these contracts result in a disproportionate share of local law enforcement inmates being treated at any one hospital or system of hospitals, this working group shall address this issue.

~~Existing law governs the collection of child support by local child support agencies, or by means of a writ of execution, a notice of levy, or earnings assignment order.~~

~~This bill would enact the Private Child Support Collection Act. These provisions would regulate the activities of private child support collectors, as defined. Among other things, the bill would require a private child support collector to provide specified notices and disclosures to the child support obligee in a written contract and additional information about child support payments during the term of the contract, authorize the obligee to cancel any contract entered into with that entity in certain circumstances, prescribe the rights of the parties with respect to child support agencies and other governmental entities, and prescribe procedures and remedies for enforcement of the provisions of the act.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4011.10 of the Penal Code is amended*
2 *to read:*
3 4011.10. (a) It is the intent of the Legislature in enacting this
4 section to provide county sheriffs, chiefs of police, and directors
5 or administrators of local detention facilities with an incentive to
6 not engage in practices designed to avoid payment of legitimate
7 emergency health care costs for the treatment or examination of
8 persons lawfully in their custody, and to promptly pay those costs
9 as requested by the provider of services. Further, it is the intent
10 of the Legislature to encourage county sheriffs, chiefs of police,
11 and directors or administrators of local detention facilities to
12 bargain in good faith when negotiating a service contract with
13 hospitals providing emergency health care services. The
14 Legislature has set a date of January 1, 2009, for this section to
15 be repealed, and does not intend to delete or extend that date if
16 county sheriffs, chiefs of police, and directors or administrators
17 have not complied with the intent of the Legislature, as expressed
18 in this subdivision.
19 (b) Notwithstanding any other provision of law, a county
20 sheriff ~~or~~, police chief *or other public agency that contracts for*
21 *emergency health services*, may contract with providers of

1 emergency health care services *for care to local law enforcement*
2 *patients*. Hospitals that do not contract with the *county sheriff or,*
3 *police chief, or other public agency that contracts* for emergency
4 health care services shall provide ~~these services to their~~
5 ~~departments~~ *emergency health care services to local law*
6 *enforcement patients* at a rate equal to 110 percent of the
7 hospital's actual costs according to the most recent Hospital
8 Annual Financial Data report issued by the Office of Statewide
9 Health Planning and Development, as calculated using a
10 cost-to-charge ratio.

11 (c) A county sheriff or police chief shall not request the
12 release of an inmate from custody for the purpose of allowing the
13 inmate to seek medical care at a hospital, and then immediately
14 rearrest the same individual upon discharge from the hospital,
15 unless the hospital determines this action would enable it to bill
16 and collect from a third-party payment source.

17 (d) The California Hospital Association, the University of
18 California, the California State Sheriffs' Association and the
19 California Police Chiefs' Association shall, immediately upon
20 enactment of this section, convene the Inmate Health Care and
21 Medical Provider Fair Pricing Working Group. The working
22 group shall consist of at least six members from the California
23 Hospital Association and the University of California, and six
24 members from the California State Sheriffs' Association and the
25 California Police Chiefs' Association. Each organization should
26 give great weight and consideration to appointing members of the
27 working group with diverse geographic and demographic
28 interests. The working group shall meet at least three times
29 annually to identify and resolve industry issues that create fiscal
30 barriers to timely and affordable emergency inmate health care.
31 In addition, the working group shall address issues including, but
32 not limited to, inmates being admitted for care and later
33 rearrested and any other fiscal barriers to hospitals being able to
34 enter into fair market contracts with public agencies. *To the*
35 *extent that the rate provisions of this statute result in a*
36 *disproportionate share of local law enforcement patients being*
37 *treated at any one hospital or system of hospitals, the working*
38 *group shall address this issue.* No reimbursement is required
39 under this provision.

1 (e) Nothing in this section shall require or encourage a hospital
2 or public agency to replace any existing arrangements that any
3 city police chief, county sheriff, or other public agency that
4 contracts for *emergency* health services for ~~those departments,~~
5 ~~has with his or her health care providers~~ *care to local law*
6 *enforcement patients.*

7 (f) An entity that provides ambulance or any other emergency
8 or nonemergency response service to a sheriff or police chief,
9 and that does not contract with their departments for that service,
10 shall be reimbursed for the service at the rate established by
11 Medicare. Neither the sheriff nor the police chief shall reimburse
12 a provider of any of these services that their department has not
13 contracted with at a rate that exceeds the provider's reasonable
14 and allowable costs, regardless of whether the provider is located
15 within or outside of California.

16 (g) For the purposes of this section, "reasonable and allowable
17 costs" shall be defined in accordance with Part 413 of Title 42 of
18 the Code of Federal Regulations and federal Centers for
19 Medicare and Medicaid Services Publication Numbers 15.1 and
20 15.2.

21 (h) For purposes of this section, in those counties in which the
22 sheriff does not administer a jail facility, a director or
23 administrator of a local department of corrections established
24 pursuant to Section 23013 of the Government Code is the person
25 who may contract for services provided to jail inmates in the
26 facilities he or she administers in those counties.

27 (i) This section is repealed as of January 1, 2009.

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30 **All matter omitted in this version of the bill**
31 **appears in the bill as amended in**
32 **Assembly, 06/09/05.**
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